

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: : John A. Zebala
Application No. : 09/332,815
Filed: : September 17, 1999
For : *POROUS COATINGS BEARING LIGAND ARRAYS
AND USE THEREOF*

Examiner : Cheryl Juska
Art Unit: : 1771
Docket No. : 7.004
Customer # : 35188

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Washington DC 20231-1450

DECLARATION UNDER 37 CFR § 1.104(a)(5)

Commissioner for Patents:

1. I, John Zebala, am President and CEO of Syntrix Biochip, Inc. ("Syntrix"). I am empowered to act for Syntrix.
2. I attach a copy of an unrecorded assignment agreement that conveys the entire rights in the subject patent application (AN 09/332,815) to Syntrix.
3. The assignment agreement was executed at the time the subject application was filed.
4. The assignment was recorded, albeit with the wrong application number, in the Patent and Trademark Office at Reel /Frame No. 010235/0300-02. I attach a copy of the Recordation Form Cover Sheet submitted on September 13, 1999 by Seed Intellectual Law Group, LLC, the original attorneys for the subject application. The form incorrectly listed the application number of the subject application. This error explained in my April 30, 2004, letter, also attached.

5. Syntrix was also assigned the entire rights in PN 6,159,681, which assignment was recorded in the Patent and Trademark Office at Reel/Frame No. 010216/0988.

6. The inventor of the subject matter of the subject application was under an obligation to assign the inventions of the subject application (including those recited in rejected claims 1-36 and 38-41 as currently pending) to Syntrix, the common owner, at the time the inventions were made by virtue of his employment agreement.

7. All statements made of my own respective knowledge are true and all statements made on information and belief I believe are true.

8. I have been warned that willful false statements and the like are punishable by up to \$10,000 fine or up to five years imprisonment, or both, and may jeopardize the validity of the subject patent application or any patent issuing from it.

John A. Zebala

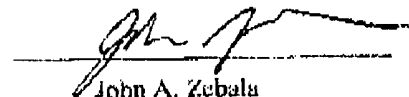
President, Syntrix Biochip, Inc.

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John A. Zebala

President, Syntrix Biochip, Inc.